

**REMARKS**

**I. INTRODUCTION**

Claims 1-20 are currently pending and stand rejected in this application. As set forth above, Claims 1, 6, 8, 9 and 13 have been amended and claim 5 has been canceled. In light of the amendments made above and the arguments to appear below, Applicant respectfully requests reconsideration and withdrawal of the rejections set forth below.

**II. AMENDMENTS TO THE CLAIMS**

Claim 1 has been amended to add the limitation to the drawer element that the drawer reciprocates between open and closed positions in fore and aft directions relative to the plurality of legs of the chair. Claim 1 has been further amended to incorporate the limitations of claim 5, and to provide the further limitation that the drawer is concealed when in the closed position.

Claims 6, 8 and 9 have been amended to correct the dependency of the respective claims in light of the amendments made to claim 1 and the cancellation of claim 5.

Claim 13 has been amended to add the limitation that the drawer reciprocates between open and closed positions in fore and aft directions relative to the plurality of legs of the chair. Claim 13 has been further amended to provide the limitation that the drawer is concealed when in the closed position.

Applicant respectfully submits that support for each of these amendments can be found throughout the specification and drawings, and therefore, no new matter has been added as a result of these amendments.

**III. REJECTION OF CLAIMS 1-20 UNDER 35 U.S.C. § 103(a)**

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the cited Competition Sports brochure in view of Guenther (U.S. Patent No. 1,631,811) or Curtice (U.S. Patent No. 1,077,189). The Office states that the cited brochure shows the chair structure as claimed, with the exception of the slideable drawer. The Office further states that the Guenther and Curtice references teach the conventionality of providing a slideable drawer underneath a seat for holding various articles. The Office therefore asserts that it would have been an obvious modification to one of ordinary skill in the art to provide

the seat of the brochure with a sliding drawer thereunder. The Office further asserts that Guenther and Curtice show sidewalls and rear walls as claimed that form a skirt for the drawer.

As an initial matter, Applicant respectfully submits that, as a matter of law, the Office has applied the incorrect standard of obviousness. In making the conclusory statement not supported by any analysis that the conventionality of the slideable drawer would have made obvious the modification of the billiard chair of the Competition Sports brochure to include such a drawer, the Office has improperly determined that the claimed invention as a whole is obvious based on the perceived obviousness of one particular element of the claim, namely the drawer. The proper standard of obviousness is whether the invention as a whole, not simply a single element of the whole, is obvious. Applicant respectfully submits that under the correct standard, its invention as a whole is not obvious.

The burden of setting forth a prima facie case of obviousness falls on the Examiner. In order to establish such a case, the following criteria must be met:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations.

MPEP § 2143. Applicant respectfully submits that for at least the following reasons, the Office has failed to meet its burden, and accordingly, Applicant respectfully traverses this rejection.

Applicant respectfully submits that the Office has failed to demonstrate any motivation or incentive to combine the cited references. Applicant directs the Office's attention to the cited base reference (the Competition Sports brochure) in which a billiard chair having a storage unit adjacent to the chair is shown on the same page as the chair relied upon by the Office in support of its position. The reference discloses a billiard chair that solves the storage problem not by including a drawer but by employing a separate storage piece of furniture (see model no. RA-118 in the Competition Sports brochure). In view of this, no motivation or incentive exists in the reference itself since no unsolved problem is presented. That is, the prior art of billiard chairs already provides a solution and it is not

Applicant's invention. Applicant therefore respectfully submits that only Applicant's own disclosure teaches or suggests a motivation or incentive to combine the references, which constitutes impermissible hindsight reconstruction on the part of the Office. Accordingly, because one of ordinary skill would not find any motivation to combine the cited references, and in fact the Office has failed to demonstrate any such motivation or incentive, the combination is improper, and therefore, the rejection of the claims is likewise improper.

Applicant further submits that even assuming, for the sake of argument only, that the combinations proposed by the Office are deemed to be proper (which they are not), the cited references, even in combination, fail to teach or suggest each and every element of the claimed invention, as required.

With respect to independent claim 1 (as amended), Applicant has amended claim 1 to define the structure of the support system element to include a rear wall and opposing side walls, and has also defined the structure of the drawer element to include, among other things, a front member. Applicant has also amended claims 1 and 13 to recite the limitation that the rear wall and sidewalls of the support system and the front member of the drawer define a skirt such that the drawer is concealed when in the closed position.

The proposed combination of the Competition Sports brochure and the Guenther reference clearly fails to teach or suggest the limitation of a skirt that completely conceals the drawer when the drawer is in the closed position. In fact, the Competition Sports reference fails to teach a drawer under the seat of the chair at all and the Guenther reference does not cure this important omission. Moreover, the combination fails to teach or suggest the limitation requiring the seat of the chair to be at a height such that the drawer remains above the base end of the legs when in the open position. Rather, as is clearly depicted in Fig. 2 of Guenther, the drawer in the open position is at the same level as the base end of the legs, and serves the function of a footrest. This clearly fails to satisfy the claim limitation requiring the drawer to be above, not level with or below, the base end of the legs.

The proposed combination of the Competition Sports brochure and the Curtice reference also clearly fails to teach or suggest the limitation of a skirt that completely conceals the drawer when the drawer is in the closed position. In fact, the Competition Sports reference fails to teach a drawer under the seat of the chair at all and the Curtice reference does not cure this omission. The combination fails to teach or suggest a concealed

drawer, rather, the drawer in Curtice appears to extend below the skirt when in the closed position.

Accordingly, because the combination of the cited references is improper, and because the cited references, either alone or as improperly combined by the Office each fail to teach or suggest every claim element of independent claims 1 and 13, the rejection of claims 1 and 13 is improper.

With respect to claims 2-4 and 6-12, and 14-20, Applicant respectfully submits that each of these claims depends either directly or indirectly on base claims 1 and 13, respectfully. Accordingly, each of these dependent claims includes each and every element of the respective independent claims, and therefore, for at least the reasons set forth above regarding claims 1 and 13 (believed allowable), these claims are also allowable. Applicant, therefore, respectfully requests that the rejection of these claims be reconsidered and withdrawn.

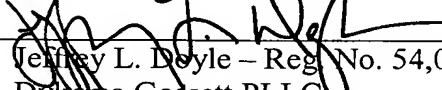
Therefore, in light of the foregoing, Applicant respectfully submits that the rejection of claims 1-4 and 6-20 has been traversed, and hereby respectfully requests that this rejection be reconsidered and withdrawn.

## V. CONCLUSION

If the Examiner has any questions, he/she is invited to contact the undersigned attorney.

Respectfully submitted,

Date: February 15, 2005

By:   
Jeffrey L. Doyle – Reg. No. 54,074  
Dykema Gossett PLLC  
39577 Woodward Avenue, Suite 300  
Bloomfield Hills, MI 48304-5086  
(248) 203-0782  
ipmail@dykema.com